

23 September 1957

Mr. W. Wilson White  
Assistant Attorney General  
Office of Legal Counsel  
Department of Justice  
Washington 25, D.C.

Dear Mr. White:

This is in reply to your letter of September 5, 1957 to the Director of Central Intelligence with respect to executive powers exercised by the Central Intelligence Agency under the national emergency proclaimed by President Truman on December 18, 1950, Proclamation 2914.

We will first comment on the Code citations.

Although 18 U.S.C. 2384(a)(1) falls within the jurisdiction of this Agency, during recent years it has not been found necessary or advisable to invoke this particular authority. We have no direct interest in the remaining four Code citations listed by you.

With respect to the specific questions posed on page two of your letter:

(1) We know of no additional powers possessed by this Agency which would depend for their existence on the emergency proclamation in question and therefore feel that the citations on page one of your letter are complete.

(2) From the standpoint of this Agency we would not object to the elimination of any of the powers listed.

(3) We are not currently making use of any powers which are based upon the emergency proclamation.

(4) Of the powers within the jurisdiction of this Agency which depend upon the existence of this emergency, there are none which in our opinion should be continued in the event the emergency is terminated.

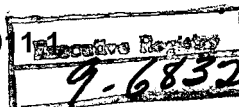
We hope that the foregoing will be of assistance to you and if any further information is needed please call upon us.

OGC:OEP:mpg

Very truly yours,

Distribution:

Orig & 1 - Addressee	1 - Logistics
✓ 1 - Subject	1 - DD/S
1 - Signer	Lawrence R. Houston
1 - Chrono	General Counsel



Department of Justice

Washington

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DD/S

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Mr. Allen W. Dulles  
Director  
Central Intelligence Agency  
Washington, D. C.

Dear Mr. Dulles:

This Office has been requested by the Attorney General to make a study of what needed executive powers would lapse if the national emergency proclaimed by President Truman on December 16, 1950 were terminated. The Attorney General would like the study approached from two aspects: First, what powers are actually in existence by virtue of that emergency. Second, which of these powers are currently being affirmatively exercised.

Preliminary research indicates that the following statutes which appear to fall within the jurisdiction of your agency may well be applicable during the national emergency declared December 16, 1950:

/ 10 U.S.C. 2304(a)(1) ---

In addition, you may have had occasion to utilize the following general provisions:

- (2) 40 U.S.C. 276a-5
- (6) 40 U.S.C. 356(j)(1)
- (4) 41 U.S.C. 252(c)(1)
- (5) 50 U.S.C. App. 643a-c, as amended by 67 Stat.120

I should like your legal opinion as to whether you agree that this list is both accurate and complete.

Moreover, by way of specific questions I invite your opinion as to the following inquiries:

-2-

(1) Are there any additional powers possessed by your agency which depend for their existence on this particular emergency? If such exist would you please identify them.


(2) In your opinion should any of the items listed above be eliminated from this category of emergency powers? With respect to those which you feel should be eliminated, would you please indicate briefly the basis for such belief.

(3) Of the powers within your jurisdiction which depend upon this emergency, would you kindly enumerate those which you are currently exercising?

(4) Of those powers within your jurisdiction which depend upon the existence of this emergency, which, in your opinion, ought to be continued in some fashion in the event the emergency was to be terminated?

Since there is some urgency to the finalization of this study I should be grateful if you would treat this matter on an expedite basis.

Sincerely yours,

  
W. Wilson White  
Assistant Attorney General  
Office of Legal Counsel

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Next 8 Page(s) In Document Exempt

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TRANSMITTAL SLIP DATE 10 September 57

TO:  
Acting General Counsel

ROOM NO. BUILDING

REMARKS:

I presume it would be proper for the reply to the attached to be signed by General Counsel. However, suggest that the reply be cleared with Colonel White before release.

Please note request for expeditious treatment.

FROM:  
Executive Assistant to the DD/S

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TRANSMITTAL SLIP		DATE
		10/4
TO		
ROOM	221	East
REMARKS:		
<p>Returned for your file Thanks.</p>		
FROM		
ROOM NO.	124A	East

FORM NO. 241  
1 FEB 55

REPLACES FORM 36-8  
WHICH MAY BE USED.